

"Findings" for Variance Requests

Pursuant to Section 20.7-7 of the Coconino County Zoning Ordinance, the Board of Adjustment must make the following findings if it is to approve a variance request:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Ordinance.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the same zone.
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.
4. That the granting of the variance as conditioned will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone.
5. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Additional Findings for Signs

The Board of Adjustment may grant a variance with respect to signs, which, in addition to the general findings mentioned above, must also meet the following:

1. That the granting of the variance will not detract from the attractiveness or orderliness of the surrounding neighborhood or infringe on the similar rights of others.
2. That the granting of the variance will not create a hazard to public safety.

Additional Findings for Parking

The Board may also grant a variance to a zoning regulation in regards to off-street parking facilities. The additional findings required of a variance to parking include:

1. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
3. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the Zoning Ordinance.



An application deadline and public hearing schedule is available on our website at:

www.coconino.az.gov/commdev.aspx

The Fee

In order to pay for legal noticing, a non-refundable \$400 processing fee is required for all variance applications.

For More Information...

The Community Development Department staff planners are available to answer your questions and guide you through the process. When you need help, please stop by or give us a call.



Design by J. Ernest Jutte, ACP • 06.09.04



Coconino County

Department of Community Development

2500 North Fort Valley Road, Building 1
Flagstaff, Arizona 86001
928.226.2700 or 1.800.559.9289
www.coconino.az.gov/commdev.aspx

Variance Requests

Unusual sites and circumstances are sometimes unavoidable. In some cases, it may be possible to request a variance to accommodate these rare situations.

Variances *may sometimes* be granted for items such as:

- ☒ minimum lot size
- ☒ frontage on a public street
- ☒ distance between structures
- ☒ front, rear, or side yard setbacks
- ☒ walls, hedges, or screening

Use this guide to help determine if your situation qualifies before submitting a variance application.

**Coconino County
Community Development**

The Variance Request

Purposes of a Variance

Variances from the terms of the Zoning Ordinance may be granted only when—because of special circumstances applicable to the property, including size, shape, topography, location or surroundings—the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The power to grant variances does not extend to use regulations—variances may only be requested for specific dimensional or area regulations. If the conditions are not met for a variance, it may be possible to seek flexibility from zoning regulations through the application for a conditional use permit or rezoning.

The Board of Adjustment may grant variances to the regulations prescribed by Section 20.7 of the Zoning Ordinance with respect to fences, walls, hedges, screening, and landscaping; site area, width, and depth; front, rear, and side yards; lot coverage, height of structures; distances between structures; usable open space; signs, off-street parking facilities, or frontage on a public street.

Application Requirements

Requesting a variance is a fairly simple process. In addition to the standard information—applicant name, property address, legal description, and filing fee, there are just a few additional items required to complete the application:

1. A description of the variance request and a statement explaining how the request meets the “findings” of hardship and burden (as outlined on the back of this brochure).
2. An accurate scale drawing of the site and any adjacent property affected, showing topography and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking facilities, and landscaped areas. Seven copies of the site plan are required.
3. A list of the names and addresses of all property owners within 300 feet of the property.

Additional information or plans may be required if necessary to enable a determination as to whether the circumstances prescribed for the granting of a variance exist.

Legal Notice

Approximately fifteen days prior to the Board of Adjustment hearing, the case is advertised in the Legal Notice section of the local newspaper, a sign containing a description of the proposal is posted on the property, and all neighboring property owners are notified by mail.

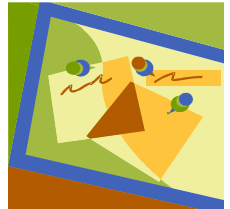
The Staff Report

About two weeks prior to the public hearing, staff prepares a report analyzing the application. This is generally available (and is mailed to the applicant) on the Wednesday preceding the hearing; the hearing agenda is also established at this time. Cases are placed on the agenda in the order in which applications are filed, so applications filed early are heard first.

The staff report generally includes a recommendation for approval or denial, and conditions which must be met in order to permit the variance. As applicants should be prepared to respond to any conditions at the hearing, it often helps to discuss the conditions with the staff planner who prepared the report.

Board of Adjustment Hearing

During the hearing, the applicant will have an opportunity to make a brief presentation. Following questions to the applicant, the Board Chair opens the public hearing. Anyone with comments pertinent to the case will be heard. In reaching a decision, the Board considers the staff report as well as the presentation of the applicant, public testimony, and their own knowledge of the area.



The Board of Adjustment then acts on the application by approving the case with conditions as recommended by staff or as modified by the Board at the hearing, or they may deny the request. If the Board decides that more information is needed, they may continue the hearing on the case to a future date.

Board Action

The Board may grant a variance as it was applied for or in modified form, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Board may prescribe.

A decision of the Board of Adjustment on a variance shall be final thirty days after the date of the decision and upon receipt by the Department of Community Development of a signed agreement to the conditions of approval, unless an appeal has been filed.

A decision of the Board of Adjustment on a variance may be appealed within 30 days to Superior Court by the applicant or any other aggrieved person as prescribed in ARS 11-807. An appellant should seek competent legal counsel to pursue an appeal to Superior Court.

Revocation of a Variance

A variance granted by the Board of Adjustment subject to conditions shall be revoked if the applicant has not complied with the conditions. The decision of the Board revoking a variance shall become effective fifteen days following the revocation unless an appeal has been filed.

Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the site or substantially the same site shall be filed within one year from the date of denial or revocation of the variance.

